

U.S. DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

JAN 17 2025

FILED

**Randall S. Collier**  
**26 Joslin Rd**  
**Surry, NH**  
**03431**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW HAMPSHIRE**  
**WRIT OF HABEAS CORPUS**  
**Jan 17, 2025**

U.S. DISTRICT COURT  
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**See attached Final Order of Protection 2013;**

**No evidence noted of a crime committed, no findings to support Order of Protection or Sole Custody.**

U.S. DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Pursuant to Federal Rules 201(d) the Plaintiff has a lawful right to proceed without cost and Rule 201(e) Opportunity to be heard.

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The primary "duty" or any "Judge" or "Public Servant" in these United States of America is to "establish Justice... and secure the Blessings of Liberty to ourselves and our Posterity" (Preamble, US.Const), "and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution" above all, (US.Const.Art.6), and to "bear faith and true allegiance to the United States of America and the state of New Hampshire, and [to] support the constitution thereof." (<https://www.nh.gov/glance/oaths.htm>)

In 2013 NH Family Court issued a "Protective Order" (from NH Case: 2013-DV-00016) which was based upon allegations of "domestic violence", "abuse", "harassment" and "threatening", but without "due process of law" such as "probable cause" and "criminal prosecution", because such orders are clearly "to the Contrary" of "fundamental principles" of "the common law" and "the supreme Law of the Land", and clearly not in the child's best interests, as explained herein for the following reason(s). Why the previous court orders for a "domestic violence" "protective order" and "sole decision-making responsibility" for the mother only, are not Constitutional or therefore "lawful" or valid, thus this court is liable for causing (and any future failure to stop) these "deprivations of rights under color of law". Therefore by neither stopping the allegedly and clearly unlawful previous court orders, nor explaining why the allegations of unconstitutionality are incorrect, this court becomes complicit and liable in the same unlawful acts, because of the Judicial Branch: Article III of the UNITED STATES CONSTITUTION guarantees that every person accused of wrongdoing has the right to a fair trial before a competent judge and a jury of one's peers.

For the purposes of review, it has been said that clear violations of laws on reaching the result, such as acting without evidence when evidence is required, or making a decision contrary to all the evidence, are just as much jurisdictional errors as is the failure to take proper steps to acquire jurisdiction at the beginning of the proceeding. *Borgnis v. Falk Co.*, 133 N.W.209. <https://case-law.vlex.com/vid/borgnis-v-falk-co-895259199>

### **Unconstitutional Arrest Warrants:**

2/28/2020, Mr. Collier to pay \$2,808.13, for an arrest warrant issued by Belknap County, 4th Circuit Court, Family Division N.H., due to not paying Court Ordered Lawyer fees, which is a violation of "Debtors Prisons" laws, which prohibit imprisonment for debt ('except in cases of fraud' in some Constitutions);

3/2/2022, This North Carolina Arrest Warrant issued by Wake County, North Carolina Family Court. See File Number 19CVD3939 Family Court Civil Order for Arrest. Probable Cause of Civil Contempt, Order for arrest to secure Plaintiff. Contradicts US Constitution Amend. 4, thus unconstitutional.

The Fourth Amendment prohibits law enforcement officers from arresting citizens without probable cause. See, *Illinois v. Gates*, 462 U.S. 213 (1983), therefore, no body attachment, bench warrant or arrest may be issued. *Illinois v. Gates*:  
<https://supreme.justia.com/cases/federal/us/462/213/>

"By definition, probable cause to arrest can only exist in relation to criminal conduct; civil disputes cannot give rise to probable cause. U.S.C.A. Const.Amend. 4.":  
<https://uk.practicallaw.thomsonreuters.com/>

If a person is arrested on less than probable cause, the United States Supreme Court has long recognized that the aggrieved party has a cause of action under 42 U.S.C. §1983 for violation of Fourth Amendment rights. *Pierson v. Ray*, 386 US. 547, 87 S.Ct.1213 (1967). <https://supreme.justia.com/cases/federal/us/386/547/>

"*Harlow v. Fitzgerald*, 457 U.S. 800, 818, there can be no objective reasonableness where officials violate clearly established constitutional rights such as– (a) United States Constitution, Fourth Amendment (including Warrants Clause), Fifth...":  
<https://supreme.justia.com/cases/federal/us/457/800/>

"The essential elements of due process are notice and opportunity to defend" ones self. US.Supreme Ct., *Simon v. Craft*, 182 U.S. 427 (1901),  
<https://supreme.justia.com/cases/federal/us/118/425/>;

## **The "Constitution for the United States of America":**

### **[A.1]= Preamble & Article 6:**

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

...

### **Article. VI.**

...

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

...

**[A.2]= Right to Own Property:** See Amend.5, 14, and related U.S. Supreme Court Decisions.

**[A.3]= Right to keep and bear arms:** See Amend.2.

**[A.4]= Right to free speech:** See Amend.1, and related U.S. Supreme Court Decisions, includes offensive and insulting speech, right to solicit for donations for ones self;

**[A.5]= Due Process of Law:** See Amendments 4-7, esp. 5, 14, and related U.S. Supreme Court Decisions, such as:

"The essential elements of due process of law are notice and opportunity to defend"

Simon v. Craft, 182 U.S. 427 (1901), U.S. Supreme Court.

<https://supreme.justia.com/cases/federal/us/182/427/>

[A.6]= "**probable cause**": See Amend.4, and related U.S. Supreme Court Decisions.

[A.7]= "**In all criminal prosecutions**": See Amend.6.

[A.8]= **Important Amendments**: "...

#### **Amendment I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### **Amendment II**

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

...

#### **Amendment IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### **Amendment V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### **Amendment VI**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

#### **Amendment VII**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

...

#### **AMENDMENT XIV**

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment. Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

..." -U.S. Constitution ;

[A.9]= **Links to Sources of Authority**:

<https://www.archives.gov/founding-docs/constitution-transcript/>

<https://www.archives.gov/founding-docs/bill-of-rights-transcript/>  
<https://www.archives.gov/founding-docs/amendments-11-27/>  
<https://www.archives.gov/founding-docs/constitution/>  
<https://www.archives.gov/files/founding-docs/>  
[https://www.archives.gov/files/founding-docs/constitution\\_1\\_of\\_4\\_630.jpg](https://www.archives.gov/files/founding-docs/constitution_1_of_4_630.jpg)  
<https://usconstitution.net/const.html> ;

**[A.10]= Public Servants' Oaths:**

New Hampshire State Constitution, Part 2, Form of Government, Oaths and Subscriptions  
Exclusion from Offices, Etc., <https://www.nh.gov/glance/oaths.htm> ; 5 USC 3331: Oath of  
office, <https://www.law.cornell.edu/uscode/text/5/3331> ; 8 U.S. Code § 1448 - Oath of  
renunciation and allegiance, <https://www.law.cornell.edu/uscode/text/8/1448> ; See [A] Art.6:  
"The Senators and Representatives before mentioned, and the Members of the several State  
Legislatures, and all executive and judicial Officers, both of the United States and of the several  
States, shall be bound by Oath or Affirmation, to support this Constitution;..."  
<https://www.archives.gov/founding-docs/constitution-transcript> ;

**[B]= State Constitutions, a frequent recurrence to fundamental principles is necessary to  
fulfill the Purpose of Government, only to protect equal individual Human rights:**

**New Hampshire Constitution:**

**1. Part 1, Bill of Rights, [Art.] 38. [Social Virtues Inculcated.]:**

"[Art.] 38. [Social Virtues Inculcated.] A frequent recurrence to the fundamental principles of the  
constitution, and a constant adherence to justice, moderation, temperance, industry, frugality,  
and all the social virtues, are indispensably necessary to preserve the blessings of liberty and  
good government; the people ought, therefore, to have a particular regard to all those principles  
in the choice of their officers and representatives, and they have a right to require of their  
lawgivers and magistrates, an exact and constant observance of them, in the formation and  
execution of the laws necessary for the good administration of government." -

<https://www.nh.gov/glance/bill-of-rights.htm> ;

**The Stated Purpose of this "New Hampshire Judicial Branch" Court is:** "Our  
Mission: To preserve the rule of law and protect the rights and liberties guaranteed by  
the United States and New Hampshire Constitutions, the courts will provide accessible,  
prompt, and efficient forums for the fair and independent administration of justice, with  
respect for the dignity of all we serve." <https://www.courts.nh.gov/>. [105]

**US and NH Constitutional violations:**

**N.H. Constitution violations, Article 15, "Right of Accused"**, in the following 6 of  
8 "Rights of Accused" listed therein, [www.nh.gov/glance/bill-of-rights.htm](http://www.nh.gov/glance/bill-of-rights.htm) [105], where it  
says:

(1) "No subject shall be held to answer for any crime, or offense, until the same is fully  
and plainly, substantially and formally, described to him; " This Plaintiff (Mr. Collier) was  
never actually held to answer for any actual "crime" by any Criminal Prosecution (in  
Criminal Court), even though he was accused of criminal "offenses" by this non-criminal  
"Family Court", they were never even reported to a proper criminal court as it should  
have if there was actual "probable cause"/evidence but there was not;



...

(3) "Every subject shall have a right to produce all proofs that may be favorable to himself"; "Discovery" of evidence "favorable to himself" was not permitted or provided in this case on at least two occasions (denials of motions for discovery of evidence), and motions to "show cause" were denied at least twice: A Motion for video surveillance that I threatened anyone was denied 7/22/13, a Motion for Discovery of video surveillance recordings from our court hearing where I received criminal threatening charges 2/26/14, a Motion for Show Cause denied 2/16/2022, and a Motion for Reconsideration of Denied Show Cause was denied 3/31/22;

...

(4) The Right "to meet the witnesses against him face to face" was also denied in this case;

...

(5) "and to be fully heard in his defense, by himself, and counsel." I was not "fully heard" here;

...

(6) "No subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land;" This Plaintiff (Collier) was "deprived of his ...liberty" without "the judgment of his peers", in maybe more than one way, including an arrest warrant issued in N.C. for not paying legal fees, violating "debtors prison" prohibitions, as well as a previous arrest warrant in N.H. for not paying legal fees (which was paid to remove it), as there was no "public trial, by an impartial jury of the State", and Judge Garner on 3/28/2023 even testified that is because rules of evidence do not apply in these "Family Courts", which is just another "deprivation of rights under color of law". {See "A Report by the American Civil Liberties Union of New Hampshire" in 2015, "Debtors' prisons are strictly prohibited at both the federal and state levels as a matter of equal protection."  
[https://www.aclu-nh.org/sites/default/files/field\\_documents/report\\_aclu-nh\\_debtors-prisons\\_09-23-15.pdf](https://www.aclu-nh.org/sites/default/files/field_documents/report_aclu-nh_debtors-prisons_09-23-15.pdf) };

...

(8 ) "Every person held to answer in any crime or offense punishable by deprivation of liberty shall have the right to counsel at the expense of the state if need is shown; this right he is at liberty to waive, but only after the matter has been thoroughly explained by the court."

**US Constitutional violations of 1st, 2nd, 4th, 5th, 8th, 14th Amendment Rights:**

First Amendment Right violation Circuit Court Family Division Case Number 650 2013 DM10 ,page 1 of 5 additional restrictions on custody order. "Including making promises to T.C.". In Case 650 2013 DV16, initiating criminal statute protection order after allegedly meeting the elements of Criminal threatening for an "attempted staredown with petitioner's counsel" and "ongoing pattern of behavior". Ordering Sole Custody to Ms. May and no direct contact with T.C.

**Neglligence** for using criminal statutes for against litigants in civil court without evidence:

a) If there was probable evidence of an actual crime these 'family courts' are liable for not reporting to an actual criminal court; b) Only criminal courts are supposed to be prosecuting criminal codes, not these "family courts" (which are not legit to start; c) A "civil sanction" (as mentioned in reason #9 herein) is different from a "criminal code/law/statute". Criminal law in NH is only Title 62 (Sections 625-651 only, not 173b) and in US Codes only Title 18;

2023 New Hampshire Revised Statutes Title XII - Public Safety and Welfare Chapter 173-B - Protection of Persons From Domestic Violence Section 173-B:1 - Definitions. Universal Citation: NH Rev Stat § 173-B:1 (2023) 173-B:1 Definitions. –In this chapter: I. "Abuse" means the commission or attempted commission of one or more of the acts described in subparagraphs (a) through (h) by a family or household member or by a current or former sexual or intimate partner, where such conduct is determined to constitute a credible present threat to the petitioner's safety.

House Judiciary and Children and Family Law Committee hearing on 3/28/23 Judge Michael Garner testified that "Rules of Evidence do not apply in Family Court, What we hope to be is the gatekeeper for reliable information". House Judiciary & Children and Family Law Joint Committee Meeting (03/28/23): [https://www.youtube.com/watch?v=vbFOdcRT\\_XA](https://www.youtube.com/watch?v=vbFOdcRT_XA)

NH Judicial Branch Family Court Rule 2.2 "Rules of Evidence do not apply to the actions listed above. However, the court in its discretion may utilize the state of NH Rules of Evidence to enhance the predictable, orderly, fair, and reliable presentation of evidence".

American Bar Association Definitions: Rules of Evidence: Ignoring these rules makes evidence inadmissible. It must be admissible, reliable, complete, authentic, and believable. "Rules of evidence - Standards governing whether evidence in a civil or criminal case is admissible."

-"Consumers' Guide to Legal Help Legal Terms Glossary":

[https://www.americanbar.org/groups/legal\\_services/flh-home/flh-glossary/#:~:text=Rules%20of%20evidence%20%2D%20Standards%20governing.or%20criminal%20case%20is%20admissib](https://www.americanbar.org/groups/legal_services/flh-home/flh-glossary/#:~:text=Rules%20of%20evidence%20%2D%20Standards%20governing.or%20criminal%20case%20is%20admissib)  
le. ;

Question of Law: Gatekeeper of reliable and unreliable information, at the same time?

Judge Carrol noted on 2/4/2013 "Mr. Collier's attempted stardown with petitioners counsel and his ongoing pattern of behavior which reasonably has caused the petitioner to fear for her safety as well as the well-being of T.C. and creates a present credible threat", satisfies the elements of (a) Criminal threatening as defined in RSA 631:4. (b) Harassment as defined in RSA 644:4".

4/3/24 order page 5

The Family Division has subject matter jurisdiction to enter civil protection orders. RSA 490-D:2, RSA 173-B:2 Circuit Court Family division Rule 10.1 Such Orders are civil and not criminal in nature; there is no trial by jury, the Rules of evidence do not apply and the standard of proof is by a preponderance of the evidence rather than by proof beyond a reasonable doubt. RSA 173-B:3, VIII; RSA 173-B:5, I; NH Rules of evidence 1101(d)(3).

Question of Law:



Greater than 50% true and unreliable information at the same time?  
If truly civil, why use the Criminal Code?

paragraph 3 "The question whether the DV Final Orders should be vacated does not depend on whether the Orders in the parenting case should continue or be modified, and so the court has not taken Mr. Collier's references to the parenting case into account in deciding his motion to vacate to DV final orders". See 8/30/13 NPD "Sole Decision Making Responsibilities for Ms. May due to the Protective Orders which effectively prohibits the parties from communicating".  
Question of Law:

The parenting plan has nothing to do with the DV Order?

4/3/24 Order Page 6 "Rules of evidence do not apply and did not apply to the orders to which Mr. Collier seeks to vacate".

Question of Law; Evidence didn't apply to Criminal Protection Orders in Family Court?

page 6 "Kurowski, 161 N.H. at 589 (2011) The State has an interest when parties cannot agree on a major decision". Contrary to *Reno v. Flores*, 507 U. S. 292, 304. (1993)

Page 7 "The Child's best interest are paramount consideration in the creation of parenting orders NH RSA 461-A:2 I(e) : In the Matter of *Miller v. Todd* 161 N.H. 630 (2011)

"His Motion to Vacate is therefore denied".

Question of Law; Deny Motion to Vacate when evidence did not apply? Due Process Violation?

Page 8 "The parties' need for an intermediary arose because of the DV Final Order prohibiting contact between Ms. May and Mr. Collier".

Question of Law: If we are prohibited from communicating, how would we share custody?

Page 8, "He repeated his statements that there has been no evidence of threats or violence to support the original entry of the DV Final orders".

However, the Supreme Court has also made it clear that these actions have to be credible or true threats. This was first defined in *Watts v. United States*: Therefore, for a threat to be considered to fall outside of First Amendment protection, it must first be violent in nature and — critically — it must be credible.

Question of Law; unreliable information is credible?

page 8 paragraph 3 "Ms. May testified to an ongoing fear for her own safety and T.C.'s safety".

Question of Law: Is this reliable fear for 12 years without a documented direct, credible, violent, true, intent to harm?

See 1/27/13 "No threats or Violence in the Domestic Violence Petition.

*Renaud v. Renaud* 721 A.2d 463, 465-66 (Vt. 1998). Fraudulent testimony, overturned custody.

**The following case laws in support of Appellate Jurisdiction in the US Supreme Court.**

*Stanley v. Illinois*, 405 U.S. 645, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972)."

<https://supreme.justia.com/cases/federal/us/405/645/> ;

Santosky v. Kramer, 455 U.S. 745, 760, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982)

<https://supreme.justia.com/cases/federal/us/455/745/> ;

Troxel v. Granville (2000)

Parham v. J.R. (1979),

Boehm v. Douglas (1959)

Griswold v. Connecticut, 381 U.S. 479, (1965)

The Constitution also protects "the individual interest in avoiding disclosure of personal matters." Federal Courts (and State Courts), under Griswold can protect, under the "life, liberty and pursuit of happiness" phrase of the Declaration of Independence, the right of a man to enjoy the mutual care, company, love and affection of his children, and this cannot be taken away from him without due process of law. There is a family right to privacy which the state cannot invade or it becomes actionable for civil rights damages.

<https://supreme.justia.com/cases/federal/us/381/479/> ;

Under the "extraordinary circumstances" exception, federal courts will not apply the Younger doctrine if "extraordinary circumstances compel the federal court to take jurisdiction. Arena, 216 F.Supp. 2d at 155. The Younger court defined "extraordinary circumstances" as situations where "the danger of irreparable loss is both great and immediate." Younger, 401 U.S. at 45.

### **The following support misconduct and violations of Federal Law, kidnapping, and Child Abuse by The State of NEW HAMPSHIRE JUDICIAL BRANCH**

"A duty to give decisions which are advisory only, and so without force as judicial judgments, may be laid on a legislative court, but not on a constitutional court established under Art. III."

Williams v. United States 289 U.S. 553 (1933),

<https://supreme.justia.com/cases/federal/us/289/553/> ;

Jordan v. Jackson, 15 F.3d 333, 346 (4th Cir. 1994) "We recognize that the forced separation of parent from child, even for a short time, represents a serious infringement upon both the parents' and child's rights."

<https://casetext.com/case/jordan-by-jordan-v-jackson> ;

Gonzales V. Commission on Judicial Performance, (1983) 33 Cal. 3d 359, 371, 374. Acts in excess of judicial authority constitute misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process.

Meyer v. Nebraska 262 U.S. 390, 399 (1923) Fourteenth Amendment right to substantive due process. The removal and continued detention of the child without evidence of abuse or neglect violates the appellants fundamental right to family integrity.

In Jordan v. Jackson, The US Court of Appeals for the District of Columbia upheld claims that government interference in family integrity must be directed by the constitutional guarantee of due process, which requires that removal of a child from their home should only be permitted if there is imminent danger to the child's life or health.

**Elrod v. Burns**, 96 S.Ct. 2673; 427 U.S. 347, (1976). Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by interests of vital importance, the burden of proving which rests on the government.

The Sixth Circuit has held that “government officials may not remove children from their parents custody without a court order unless there is reasonable cause to believe that the child is in imminent danger of serious bodily injury and that the scope and degree of the intrusion is reasonably necessary to avert that specific injury”. **Kovacik v. Cuyahoga Cty. Dept of Children & Family Servs.**, 724 F .3d 687, 695 (6th Cir, 2013)

**Stanley v. Illinois**, 405 U.S. 645 (1972) The Supreme Court held as a matter of due process, a parent is entitled to a hearing on their fitness before their children can be removed from their custody. The failure to provide such a hearing in the case constitutes a clear violation of Parent’s constitutional rights.

**Reno v. Flores**, 507 U. S. 292, 304. (1993)

There is normally no reason or compelling interest for the State to inject itself into the private realm of the family to further question a parents’ ability to make the best decisions regarding their children.

<https://supreme.justia.com/cases/federal/us/507/292/> ;

Federal Law Title 18 Section 5033 prohibits the taking of any child away from its natural parents without a hearing in a court of competent jurisdiction. And any one who violates this provision has no immunity from liability.

The paramount consideration in any custody decision, however, is the best interests of the child. See **Bissonette v. Gambrel**, 152 Vt. 67, 70, 564 A.2d 600, 602 (1989); **Lafko v. Lafko**, 127 Vt. 609, 618, 256 A.2d 166, 172 (1969). Children are not responsible for the misconduct of their parents toward each other, and will not be uprooted from their home merely to punish a wayward parent. See **Nickerson v. Nickerson**, 158 Vt. 85, 90, 605 A.2d 1331, 1334 (1992)

“It is only when failure to observe this safeguard amounts to denial of due process, that the court is deprived of jurisdiction.”; **Merritt v. Hunter**, C.A. Kansas 170 F2d 739,

<https://law.justia.com/cases/federal/appellate-courts/F2/170/739/1567905/>

“No sanction can be imposed absent proof of jurisdiction”. **Standard v. Olesen**, 74 S.Ct.768.

<https://casetext.com/case/olesen-v-stanard>

Without jurisdiction, the acts or judgments of the court are void and open to collateral attack. **McLean v. Jephson**, 123 N.Y. 142, 25 N.E. 409. <https://casetext.com/case/mclean-v-jephson>

**Mathews v. Eldridge** 424 U.S. 319 333 (1976) United States Supreme Court. The Fundamental requirement of Due Process is the opportunity to be heard at a meaningful time and meaningful manner”.

"The essential elements of due process are notice and opportunity to defend" one's self.  
U.S. Supreme Ct., Simon v. Craft, 182 U.S. 427 (1901),  
<https://supreme.justia.com/cases/federal/us/118/425/>:

"It is the accepted rule, not only in state courts, but, of the federal courts as well, that when a judge is enforcing administrative law they are described as mere 'extensions of the administrative agency for superior reviewing purposes' as a ministerial clerk for an agency..." 30 Cal 596; 167 Cal 762. [emphasis added] Executive Administrators enforce statute and codes. (frc v. ge 281 US 464, keller v. PE 261 US 428, 1 Stat. 138-178) . No Judges, just Administrators. (FRC v. GE 281 US 464)

When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity. Courts administration or enforcing statutes do not act judicially, but merely ministerially. Thompson V. Smith 154 S.E., 579, 583, & keeler V. P.E. 261 US 428; F.R.C. V. G.E., 281, U.S. 464

A judge ceases to serve as a judicial officer because the governing principles of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgments for that of the agency." AISI v US, 568 F2d 284.

Am. jur. & 257 Limitations to Administrative Law Courts. "Administrative Law Courts can not determine constitutional issues".

When a judge does not follow the law, the judge loses subject matter jurisdiction and the judges orders are void of no legal force or effect. Yates V. Village of Hoffman estates, Illinois, 209 F. Supp. 757 (N.D. ill 1962).

Question of Law: If evidence did not apply, how are the correct legal standards and Criminal Statutes being applied?

US Family Courts are not Constitutional, but run under the Domestic Relations Exception. The Supremacy Clause says no state will make laws that take away constitutional rights and all judges are required to swear an Oath to the Constitution.

Cooper v Aaron, US Supreme Court: State Courts are bound by the court's interpretation of Federal Law and the Constitution, and they must follow it.

<https://supreme.justia.com/cases/federal/us/358/1/>

Violating your Oath is a Federal Crime. 5 U.S. 7311 & exec order 104500, punishable by removal from office, Prison, and Fines.

Jenkins v. Mckinney, 533 S.W.2d 275, 281 (Tenn. 1976) Tennessee Supreme Court held that "courts have an inherent power to set aside judgements which are void or obtained by fraud".

"Judge loses his absolute immunity from damage actions only when he acts in clear absence of all jurisdiction or performance of an act which is not judicial in nature." Schucker v. Rockwood, 846 F.2d 1202

The US Supreme Court has held that judges lack immunity from prosecution for violating constitutional rights under 18 U.S.C. 242 because congress acted to proscribe criminal conduct by judges in the civil rights act of 1866. Mar 10, 2023. Since the denial of rights (42 USC 1983) is a criminal act under 18 USC 242, there is no immunity for the judge for denying your constitutional rights because they are taking part in a criminal endeavor.

US Supreme Court Case Precedent stating public servants and people are "not entitled to immunity" when they "reasonably should know" what they "make or enforce"[A] or "neglect to prevent"[I.2] is "to the Contrary"[A] of "the supreme Law of the Land"[A]:

"Held: 1. While, on the basis of common law tradition and public policy, school officials are entitled to a. qualified good faith immunity from liability for damages under § 1983, they are not immune from such liability if they knew or reasonably should have known that the action they took within their sphere of official responsibility would violate the constitutional rights of the student affected, or if they took the action with the malicious intention to cause a deprivation of such rights or other injury to the student. But a compensatory award will be appropriate only if the school officials acted with such an impermissible motivation or with such disregard of the student's clearly established constitutional rights that their action cannot reasonably be characterized as being in good faith.

..." - Wood v. Strickland, 420 U.S. 308 (1975) -

<https://supreme.justia.com/cases/federal/us/420/308/> ;

"Putting it differently, we also stated that a claim for qualified immunity "would be defeated [only] if an official"

"knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the [plaintiff]." ... - Malley v. Briggs, 475 U.S. 335 (1986) - <https://supreme.justia.com/cases/federal/us/475/335/> ; Saucier v. Katz, 533 U.S. 194 (2001), <https://supreme.justia.com/cases/federal/us/533/194/>, <https://www.justice.gov/osq/brief/saucier-v-katz-petition> ; Bryce N. HARLOW and Alexander P. Butterfield, Petitioners v. A. Ernest FITZGERALD, U.S. Supreme Court 457 U.S. 800, Decided June 24, 1982, <https://www.law.cornell.edu/supremecourt/text/457/800> ; <https://biotech.law.lsu.edu/cases/immunity/harlow.htm> ;

[https://www.law.cornell.edu/women-and-justice/location/united\\_states](https://www.law.cornell.edu/women-and-justice/location/united_states) ; United States Supreme Court

PROCUNIER v. NAVARETTE, (1978),

<https://caselaw.findlaw.com/us-supreme-court/434/555.html> ; Anderson v. Creighton, 483 U.S. 635 (1987), <https://supreme.justia.com/cases/federal/us/483/635/> ; O'BRIEN v. Borough of Woodbury Heights, 679 F. Supp. 429 (D.N.J. 1988), US District Court for the District of New Jersey - 679 F. Supp. 429 (D.N.J. 1988), February 11, 1988, <https://law.justia.com/cases/federal/district-courts/FSupp/679/429/1529679/> ;



**Bond v. UNITED STATES 529 US 334 (2000)** American people are in fact sovereign, and not the states or the Government.

**Pulliam v. Allen, 464 U.S. 522 (1984)** regarding judicial immunity, The history of judicial immunity in the United States is fully consistent with the common law experience. There never has been a rule of absolute judicial immunity from prospective relief, and there is no evidence that the absence of that immunity has had a chilling effect on judicial independence.

**Title 42 USC, Sec. s/22202, " State immunity"** A state shall not be immune under the 11th amendment to the constitution of the United States from an action in federal or State court of competent jurisdiction for a violation of this chapter

**NO IMMUNITY UNDER "COMMERCE" 9.** All immunity of the United States, and all liability of States, instrumentalities of States and State officials have been waived under commerce, according to the following US Codes: Title 15 USC, Commerce, Sec. §1122, "Liability of States, instrumentalities of States, and State officials" (a) Waiver of sovereign immunity by the United States. The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, shall not be immune from suit in Federal or State court by any person, including any governmental or nongovernmental entity. for any violation under this Act. (b) Waiver of sovereign immunity by States. Any State, instrumentality of a State or any officer or employee of a State or instrumentality of a State acting in his or her official capacity, shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in Federal court by any person, including any governmental or nongovernmental entity for any violation under this Act.

**Clearfield Trust Co. v. UNITED STATES 318 U.S. 363-371 (1943)** "NO IMMUNITY UNDER "COMMERCE" All Immunity of the United States, and all liability of the States, instrumentalities of States and State Officials have been waived under commerce, according to the following US Code: Title 15 USC, Commerce, Sec 1122, " Liability of State officials" Waiver of sovereign immunity by the United States.

**"MIRELES v. WACO(1991)"** <https://caselaw.findlaw.com/us-supreme-court/502/9.html>

**"Zenon v. Guzman, 924 F.3d 611,"** <https://casetext.com/case/zenon-v-guzman>

, when someone "reasonably should know" or "reasonably should have known" what they did or neglect to do is "to the Contrary" of "Law of the Land" they are "not entitled to immunity"!... Like these laws, cases, etc.....

"For a judge's conduct to constitute a violation of a rule, the judge must have known or reasonably should have known the facts giving rise to the violation."

<https://www.wicourts.gov/sc/rules/chap60.pdf>

...

**"The Qualified Immunity Doctrine in the Supreme Court: Judicial Activism and the Restriction of Constitutional Rights...**

See Wood, 420 U.S. at 322 (stating that an official is not immune "if he knew or reasonably should have known that the action... would violate..., constitutional rights")....



The government conceded the existence of settled legal principles, but claimed that qualified immunity still protected the agent unless he reasonably should have known at the time of the incident that his particular conduct violated the Constitution...."

[https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2508&context=faculty\\_scholarship](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2508&context=faculty_scholarship)

"Good faith exists where an official's acts did not violate clearly established rights of which the official reasonably should have known..." -murray-v-white (1991)

<https://casetext.com/case/murray-v-white>

Owens v City of Independence,

"The good faith inquiry in a § 1983 suit asks whether an official's acts violated clearly established "statutory or constitutional rights" of which the official reasonably should have known because § 1983 provides a remedy only for violations of federal constitutional and statutory law. See Owen v. City of Independence, 445 U.S. 622, 649 (1980) (§ 1983 requires inquiry into whether defendant "has conformed to the requirements of the Federal Constitution and statutes"); Baker v. McCollan, 443 U.S. 137, 146 (1979) ("Section 1983 imposes liability for violations of rights protected by the Constitution, not for violations of duties of care arising out of tort law."). Qualified immunity from a state law claim does not contain the "statutory or constitutional rights" limitation because a state law claim is not so limited. Qualified immunity from tort liability will not be made to depend upon whether the tort has been codified. Accordingly, the "statutory or constitutional" limitation is not part of qualified immunity from state law claims."

<https://casetext.com/case/murray-v-white> ...

"reasonably should" Owen v. City of Independence, 445 U.S. 622, 635 n.14 (1980)...

<https://casetext.com/case/owen-v-city-of-independence-missouri#p649>

RICO:

Anti-SLAPP (strategic lawsuit against public participation) laws can be applied in an attempt to curb alleged abuses of the legal system by individuals or corporations who use the courts as a weapon to retaliate against whistle blowers or victims or to silence another's speech. RICO could be alleged if it can be shown that lawyers or their clients conspired and collaborated to concoct fictitious legal complaints solely in retribution and retaliation for themselves having been brought before the courts. <sup>[citat]</sup>

NJ, NC, and Tennessee Supreme Court rulings, regarding how the court can't lessen the burden of proof:

Question of Law;

Why did the New Hampshire Supreme Court deny Writ of Certiorari (2023) with Case number 2023-0214

**Remedy:**

**I Demand my US Constitutional Rights be immediately restored, and return my biological offspring T.C. to my custody effective immediately due to The State of New Hampshire is unable to produce an injured party or a crime that I committed.**

Responsible Executive Administrators acting like Judicial Judges, responsible for Child abuse, Neglect, kidnapping, Extortion, Piracy, Fraud, and Misprison.

**NH Circuit Court Family Division**

Judge M. Garner

Judge James Carroll

Judge Edward Gordon

**NH District Court**

Judge Chief Judge Landrya McAfferty

Judge Joseph N. Laplante

Magistrate Judge Andrea K. Johnstone

**NH Supreme Court**

Judge MacDonald

Judge Hicks

Judge Bassett

Judge Marcony

Judge Donovan

**North Carolina Wake County**

Judge Anna E. Worley

Judge Brian Ratledge

**US Court of Appeals for the First Circuit**

Judge Montecalvo

Judge Kayatta

Judge Rikelman

**THE STATE OF NEW HAMPSHIRE**

5 page Domestic Violence Petition case number 650 2012 DV 313  
December 13, 2012 dismissed on December 20, 2012

**THE STATE OF NEW HAMPSHIRE**

Case Number 650 2013 DM 10  
Order after Hearing on request for emergency Relief,  
January 27, 2013

**THE STATE OF NEW HAMPSHIRE**

**DOMESTIC VIOLENCE FINAL ORDER OF PROTECTION**  
Case number 650 2013 DV 16  
February 4, 2013  
Order on Pending Motions Case number 650 2013 DV 16  
April 3, 2024

**THE STATE OF NEW HAMPSHIRE**

Circuit Court Family Division **STALKING PETITION**  
Case number 650 2013 DV 16  
January 24, 2013

**STATE OF NORTH CAROLINA**

**WAKE COUNTY CIVIL ORDER FOR ARREST.**  
Case number 19 CVD3939  
March 2, 2022.

**UNITED STATES DISTRICT COURT, DISTRICT OF NEW HAMPSHIRE**

Case number 22-cv-162- LM  
February 21, 2023

**NEW HAMPSHIRE SUPREME COURT**

Writ of Certiorari Case Number  
Case number 2023- 0214  
April 14, 2023

**UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE**

Case Number 24-cv-15-JL- AJ.  
June 24, 2024

United States Court of Appeals For the First Circuit, Case opening July, 25, 2024

United States Court of Appeals For the First Circuit Judgment December 30, 2024

**SIGNATURE, STATEMENT OF TRUTH, NOTARY SECTION:**

I hereby declare under penalty of perjury the foregoing is true to the best of my knowledge,

*Randall S. Collier* Randall S. Collier 1-17-25  
[Signature, Printed Name of Claimant, Date Signed]

**NOTARY STAMP & SIGNATURE, ACKNOWLEDGMENT:**

Subscribed and affirmed to before me,

Randall Collier, a

Notary Public, this 17<sup>th</sup> day of Friday January, that the  
above-named man/woman

did appear before me, and proved to be the man/woman executing this document.

Notary Public Signature, Printed Name, and Stamp:

*Justina Smith*

My commission expires: 11/13/29.

